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Attorneys for Plaintiff
IRETA IRBY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT
SAN FRANCISCO DIVISION

IRETA IRBY,

Plaintiff,

vs.

BROOKS HENDERSON HADEN,

Defendant.

CASE NO. 3:08-MC-80004-PJH

**STIPULATION AND [PROPOSED]
ORDER REGARDING PLAINTIFF'S
MOTION FOR ATTORNEY'S FEES**

RECITALS

1. On November 17, 1988, Plaintiff Ireta Irby ("Plaintiff") obtained a judgment against Defendant Brooks Henderson Haden ("Defendant") in the United States District Court for the Southern District of Texas (the "Texas Judgment");
2. On January 11, 2008, Plaintiff registered the Texas Judgment in California for a second time (the "California Judgment");
3. On March 26, 2008, Defendant moved to vacate Plaintiff's California Judgment;
4. On June 25, 2008, this Court issued its order denying Defendant's motion to vacate Plaintiff's California Judgment (the "June 25th Order");

1 5. Plaintiff incurred attorney's fees and expenses enforcing her California Judgment against
2 Defendant;

3 6. On July 9, 2008, Plaintiff filed a motion for attorney's fees ("Motion") to recover
4 \$13,814.87 in attorney's fees and expenses she incurred enforcing her California Judgment
5 against Defendant;

6 7. Defendant does not oppose Plaintiff's Motion and agrees that Plaintiff is entitled to
7 recover \$13,814.87 in attorney's fees and expenses incurred enforcing the California Judgment;
8 and

9 8. On July 23, 2008, Defendant gave notice that he would appeal the June 25th Order.

10 **STIPULATION**

11 1. Plaintiff and Defendant ("the Parties"), by and through their counsel of record, stipulate
12 that Plaintiff is entitled to recover \$13,814.87 in attorney's fees and expenses, pursuant to
13 Plaintiff's Motion;

14 2. The Parties stipulate, by and through their counsel of record, that the August 27, 2008
15 hearing scheduled for Plaintiff's Motion be taken off-calendar;

16 3. The Parties stipulate, by and through their counsel of record, that this stipulation is
17 without prejudice to Defendant's right to appeal the June 25th Order;

18 4. The Parties stipulate, by and through their counsel of record, that if the California
19 Judgment is subsequently vacated, Plaintiff will not be entitled to recover \$13,814.87 in
20 attorney's fees and expenses pursuant to Plaintiff's Motion; and the Order Granting Plaintiff's
21 Motion for Attorney's Fees will be vacated.

22 IT IS SO STIPULATED.
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2 DATED: July 29, 2008

SEVERSON & WERSON

3
4 By: /s/ Rhonda L. Nelson
Rhonda L. Nelson

5 Attorneys for Plaintiff

6
7
8 DATED: July 29, 2008

BARTLETT, LEADER-PICONE & YOUNG, LLP

9
10 By: /s/ Malcolm Leader-Picone (SB# 104620)
Malcolm Leader-Picone

11 Attorneys for Defendant

12
13
14 IT IS SO ORDERED.

15 Dated: July 31, 2008

16 By:

